

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

and

OSAGE MINERALS COUNCIL,

Intervenor-Plaintiff,

v.

OSAGE WIND, LLC; ENEL KANSAS, LLC;
and ENEL GREEN POWER NORTH
AMERICA, INC.,

Defendants.

Case No. 14-CV-704-JCG-JFJ

NOTICE OF APPEAL

Notice is hereby given that Defendants Osage Wind, LLC, Enel Kansas, LLC, and Enel Green Power North America, Inc. appeal to the U.S. Court of Appeals for the Tenth Circuit from the Final Judgment entered in this action on December 18, 2024, Dkt. 516, and from all adverse orders, rulings, decrees, decisions, opinions, memoranda, conclusions, or findings preceding, leading to, merged in, subsumed in, impacting within, identified within, or included within the Final Judgment, including but not limited to the December 18, 2024 Opinion and Order awarding damages, ejectment, and attorneys' fees and costs, Dkt. 515, and the Order Granting Summary Judgment in Favor of Plaintiff United States and Intervenor-Plaintiff Osage Minerals Council on December 20, 2023, Dkt. 386.

Dated: January 10, 2025

Respectfully submitted,

Gregg J. Costa, *pro hac vice*
GIBSON, DUNN & CRUTCHER LLP
811 Main Street, Suite 3000
Houston, TX 77002
(346) 718-6600

Betty X. Yang, *pro hac vice*
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
(214) 698-3100

Miguel A. Estrada, *pro hac vice*
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8257

Matthew A. Hoffman, *pro hac vice*
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
(213) 229-7000

Rahim Moloo, *pro hac vice*
Peter Wade, *pro hac vice*
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, NY 10166
(212) 351-4000

*Attorneys for Defendants Osage Wind, LLC,
Enel Kansas, LLC, and Enel Green Power North America, Inc.*

/s/ Ryan A. Ray
Ryan A. Ray, OBA # 22281
NORMAN WOHLGEMUTH, LLP
3200 Mid-Continent Tower
401 South Boston Avenue
Tulsa, OK 74103
(918) 583-7571

Lynn H. Slade, *pro hac vice*
Sarah M. Stevenson, *pro hac vice*
MODRALL, SPERLING, ROEHL,
HARRIS & SISK, P.A.
P.O. Box 2168
Albuquerque, NM 87103
(505) 848-1800

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2025, I electronically transmitted the attached Document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a notice of Electronic Filing to the following ECF registrants:

Nolan Fields IV
Stuart P. Ashworth
David McCullough
Jeffrey S. Rasmussen
Rollie Wilson

The following non-ECF registrants have been served by email:

Charles R. Babst, Jr.
Attorney-Advisor
United States Department of the Interior
Office of the Solicitor
Tulsa Field Solicitor Office
7906 East 33rd Street, Suite 1000
Tulsa, OK 74145-1308
(918) 669-7730
charles.babst@sol.doi.gov
Attorney for the United States of America

/s/ Ryan A. Ray

Ryan A. Ray